

### **REMARKS**

This responds to the Office Action mailed on January 9, 2006.

No claims are canceled, amended, or added by way of this amendment. As a result, claims 1-36 are now pending in this application.

For the convenience of the Examiner, Applicants' remarks concerning the claims will be presented in the same order in which the Examiner presented them in the Office Action.

#### **Rejection of Claims 1-8 Under 35 U.S.C. §101**

Claims 1-8 were rejected under 35 U.S.C. §101. The Examiner asserted that they are directed to method steps that can be practiced mentally and therefore are directed to non-statutory subject matter. The Examiner suggested that "computer implemented methods" be substituted for "method" in the preamble.

Applicants sincerely appreciate the Examiner's recommendation. However, Applicants respectfully point out that the preamble of independent claim 1 already recites "to be performed by a data processing system". It should thus be very clear to one of ordinary skill in the relevant art that the operations recited in claims 1-8 are not practiced mentally. They are clearly performed by a data processing system.

For the above reasons, Applicants respectfully request the Examiner to withdraw the rejection of claims 1-8 under 35 U.S.C. §101 as being directed to non-statutory subject matter.

#### **Rejection of Claims 1-36 under 35 U.S.C. ' 103(a) as Unpatentable over Campbell in View of Sasou and Further in View of Northrup**

Claims 1-36 were rejected under 35 U.S.C. §103(a) as being unpatentable over Campbell et al. (U.S. 2001/0024497 A1) in view of Sasou et al. (U.S. 5,463,208) and further in view of Northrup (U.S. 2003/0101211 A1).

Campbell appears to disclose (see Abstract) a system and method for servicing multi-media customer communications to geographically distributed agents from multiple call center sites via the telephone network and a global data communications network. Applicants could

find no disclosure in Campbell concerning sending an explicit and delayed acknowledgement to an execution-requesting client if a workflow is completed by a first workflow engine, else assigning the workflow to a second workflow engine. It is noted that the Examiner concedes this in his Office Action.

Sasou appears to disclose a main CPU 102 (FIG. 1) and a series of sub-CPU's 141A, 142A-B, and 143A (FIG. 1). The plurality of sub-CPU's independently execute a series of tasks set in advance in accordance with a predetermined sequence (see Abstract). A notification section in the last sub-CPU supplies a processing completion signal indicating completion of the series of tasks to the main CPU when the last task is completed. It is noted that each sub-CPU appears to always perform the same unique task, and that there is just one sub-CPU to perform such unique task. It is further noted that sub-CPU 142B always sends a notification signal 30 to the next sub-CPU 143A, whether recording is successfully completed on the card 105 or not (see column 5, lines 50-58). This is in contrast to Applicants' claim 1, for example, in which an explicit and delayed acknowledgement is sent to the execution-requesting client if a workflow is completed by a first workflow engine, otherwise assigning the workflow to a second workflow engine.

Northrup appears to disclose a computer-implemented method in which a workflow courier determines whether a workflow is complete. If it is not complete, the workflow courier determines another appropriate stage of the workflow to be completed and transmits the workflow courier to a next network node associated with an actor authorized to perform the another appropriate stage (claim 30).

Applicants respectfully request that Northrup be withdrawn as a reference in the rejection of claims 1-36 under 35 U.S.C. § 103(a). The filing date, June 7, 2001, of the present application predates the publication date of Northrup, i.e. May 29, 2003. Northrup purports to be a publication of a continuation prosecution application (CPA) of Ser. No. 09/211,263, which purports to be a continuation of application Ser. No. 08/353,905, now Pat. No. 5,850,518. However, upon a close reading of Pat. No. 5,850,518, no support can be found anywhere for the language appearing in claim 30 that was applied by the Examiner in his rejection. Applicants' attorney of record, Walter W. Nielsen, performed various "Search and Find" operations on the electronic copy of Pat. No. 5,850,518 appearing in the U. S. Patent & Trademark Office on-line

Full-Text and Image Database, using the words “workflow”, “courier”, and “actor”, for example, and none of these words apparently appears within Pat. No. 5,850,518. Nor did a reading of the “Summary of the Invention” of Pat. No. 5,850,518 appear to provide any support whatsoever for the description appearing in claim 30 of Northrup.

To establish a *prima facie* case of obviousness under 35 U.S.C. ' 103, the prior art reference (or references when combined) must teach or suggest every limitation of the claim. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA, 1974). MPEP ' 2143.

As mentioned above, the notification in Sasou is totally different from the explicit and delayed acknowledgement in claim 1. The former is always given, whereas the latter is only given when the workflow is completed, and, if it isn't completed, the workflow is assigned to a second workflow engine.

As asserted by Applicants above, Northrup does not appear to be a valid reference with respect to Applicants' claims.

Thus, Applicants respectfully assert that a *prima facie* case of obviousness has not been established, because the references, even when combined in the manner suggested by the Examiner, fail to disclose all of the elements as recited in Applicants' claims. Sasou fails to disclose “sending an explicit and delayed acknowledgement to the execution-requesting client, else assigning the workflow to a second workflow engine”. Nor does Northrup disclose this.

For the above reasons, independent claim 1 should be found to be allowable over any combination of Campbell, Sasou, or Northrup, and Applicants respectfully request that the rejection of claim 1 under 35 U.S.C. ' 103(a) as being unpatentable over Campbell in view of Sasou and Northrup should be withdrawn.

If an independent claim is nonobvious under 35 U.S.C. ' 103, then any claim depending therefrom is nonobvious. MPEP ' 2143.03.

Claims 2-8, which depend from claim 1, directly or indirectly, and incorporate all of the limitations therein, are also asserted to be allowable for the reasons presented above.

Independent claims 9, 17, 22, 27, and 32 recite similar limitations to those recited in claim 1, so they should likewise be found patentable over any combination of Campbell, Sasou, and Northrup. Further, all of the claims dependent, directly or indirectly, from independent claims 9, 17, 22, 27, and 32 should also be found allowable.

### Additional Elements and Limitations

Applicants consider additional elements and limitations of claims 1-36 to further distinguish over the cited references, and Applicants reserve the right to present arguments to this effect at a later date.

### Conclusion

Applicants respectfully submit that claims 1-36 are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' attorney, Walter W. Nielsen (located in Phoenix, Arizona) at (602) 298-8920, or the below-signed attorney (located in Minneapolis, Minnesota) to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 10th day of April, 2006.

Chris Hammond  
Name

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Signature